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Who Is Going Too Far?

The Reagan administration has been reversing previous policies adopted by Republican as well as Democratic administrations in a number of fields, and now it wants to "ease" limits on how intelligence agencies spy on Americans. That could be a dangerous reversal for the rights of citizens.

It is unclear just how far the present administration will go. Richard Willard, chief of the Justice Department's Office of Intelligence Policy, says physical surveillance of Americans "is an example of where the Carter administration may have gone too far in putting restrictions on intelligence activities," but Mr. Willard did not spell out the restrictions to be eased.

Still, there are hints. A first draft of proposals by an inter-agency task force on which Mr. Willard serves was leaked to the press last spring. It would have allowed the ~~Central Intelligence Agency~~ to conduct domestic bugging and break-ins, and to infiltrate domestic groups with foreign ties in efforts to influence their activities. The draft also would have eliminated the requirement that the attorney general approve each instance of such intrusive tactics as electronic bugging, television monitoring, break-ins and mail opening.

Because of intelligence abuses, such as spying on and harassing groups exercising their constitutional liberties to work for civil rights or protest against the Vietnam war, the Carter administration limited surveillance of U.S. residents to lawful FBI investigations or efforts by other agencies to watch their own employees or contractors. The draft proposals would have reversed the restrictions; hence, disclosure of information about them caused an uproar.

The CIA is not supposed to be involved in domestic spying, much less in trying to disrupt domestic political groups. The Federal Bureau of Investigation is the domestic intelligence agency. FBI Director William Webster himself has cautioned against relaxing controls on domestic intelligence operations involving Americans. Why should the CIA be allowed broader range to engage in them?

Beyond that, some of the electronic bugging in the past was done without court warrants as required by law, many of the break-ins were blatantly illegal, and so were mail openings. Neither the CIA nor the FBI should be allowed to conduct illegal activities, with or without the approval of the attorney general, but eliminating even the requirement giving that official some control over such intrusions on constitutional liberties would leave the agencies, or their agents, free to do as they choose.

So the inter-agency task force drew up a second draft. That was reported to have partly restored the attorney general's role in approving some intelligence operations, and to have trimmed the CIA's domestic activities. "The CIA never wanted to get involved in domestic spying," Mr. Willard explained. Then who wanted not only to involve it in domestic espionage, against its will, but to enlarge its powers?

The two drafts, and Mr. Willard's generalizations about "going too far" in limiting intelligence activities, are enough to raise questions as to whether the administration may go too far in enhancing the power of government to interfere with the ideas and associations of citizens. Recent history demonstrates that the nation has already had far too much of that.